



February 6, 2006

*Via Electronic Comment Filing System*

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, DC 20554

Re: Yak Communications (America), Inc.  
Certification of CPNI Filing (February 6, 2006)  
EB-06-TC-060; EB Docket No. 06-36

Dear Secretary Dortch:

Pursuant to the recent Public Notices issued by the Enforcement Bureau<sup>1</sup> and the Federal Communications Commission's ("FCC" or "Commission") rules requiring that all telecommunications carriers protect the privacy of customer proprietary network information ("CPNI"),<sup>2</sup> Yak Communications (America), Inc. ("Yak" or "Company") hereby submits this Certificate and accompanying Statement.

Yak is committed to protecting the confidentiality of its customer's CPNI. The Company takes this responsibility very seriously and thus the Company has implemented extensive operational procedures to protect the confidentiality of its customer's information. Nevertheless, in light of recent media reports regarding the release of subscriber information, Yak is reviewing these procedures and is currently in the process of implementing a more comprehensive plan that will expand the Company's protections against inadvertent external release and assure complete compliance as to its own internal uses of the information. Although Yak only markets additional services to existing customers within the same category of service, out of an abundance of caution, the Company has decided to give all of its customers additional opportunities to grant or deny Yak approval to use CPNI for marketing additional services within the same group of services already being provided to the customers.

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<sup>1</sup> *Enforcement Bureau Opens New Docket for the February 6, 2006, Filing of CPNI Compliance Certifications*, Public Notice, DA 06-258 (rel. Feb. 2, 2006) and *Enforcement Bureau Directs All Telecommunications Carriers to Submit CPNI Compliance Certifications*, Public Notice, DA 06-223 (rel. Jan. 30, 2006).

<sup>2</sup> 47 C.F.R. § 64.2000, *et seq.*

As requested by the Public Notice, the undersigned, as an officer of Yak, certifies based upon personal knowledge that the following Compliance Statement accurately describes Yak's efforts to protect the privacy of its customers' CPNI consistent with Commission's CPNI rules.

### **No Third Party Disclosure of CPNI**

Because Yak takes very seriously its obligation to protect against disclosure of CPNI, the Company does not use, disclose or provide access to CPNI to third parties that are not independent contractors of Yak. Disclosure to independent contractors are made only after such entities have executed a contract with Yak that includes provisions protecting the confidentiality of Yak's customer information. Specifically, the confidentiality provision prohibits contractors from disclosing to third parties, either during or after the term of their contract with Yak, any proprietary or confidential information of Yak's customers without Yak's prior written permission. Specifically, independent contracts must agree that they will not disclose any Yak confidential information (including customer information) to anyone other than employees and contractors except on a need to know basis and they must ensure that such employees and contractors are also bound by restrictions of confidentiality that are at least equally protective. The confidentiality provision further obligates the contractor to comply with all applicable laws and regulations, including Yak's privacy and related policies. Breach of the confidentiality provision may result in termination of the contract at Yak's discretion.

### **Use of CPNI Only For Marketing Within Same Group of Services**

Yak sells long distance services and commercial mobile radio services. Yak's marketing to existing customers consists *only* of marketing its various long distance service offerings, and to date, it has only initiated one such marketing campaign. Yak does not use CPNI for marketing non-communications-related services to its customers.

### **Review Process for Outbound Marketing Campaign**

Yak has only initiated one outbound marketing campaign, and that campaign falls under the supervisory purview of Yak's Director – Customer Service, Provisioning and Sales Support. The Director – Customer Service, Provisioning and Sales Support is responsible for ensuring that the customers' information is handled in compliance with the Company's Privacy Policy. Only basic, publicly-held customer data (customer name and telephone number) was shared with the Company's contracted vendor, and strict confidentiality and non-disclosure agreements with the vendor have been executed and recorded. Campaign details, including final intended recipient list, creative samples, and, whenever possible, tracking metrics will be kept for at least one year.

### **Employee Confidentiality Agreement and Company Privacy Policy**

Maintaining the privacy of customers' information, including CPNI, is a condition of employment at Yak. All Yak employees are required to execute a Confidentiality Agreement in order to begin employment at Yak. This Confidentiality Agreement, among other things, requires employees to hold customer confidential information in the strictest confidentiality. This policy bars employees from disclosing such confidential information, and prohibits employees from removing confidential information upon conclusion of employment with Yak.

Violation of this policy may result in, among other actions, suspension of work, duties, diminution of responsibilities or demotion, and termination of employment. [Additionally, Yak has adopted a Privacy Policy that all employees must follow as a condition of employment. Review and compliance with Yak's Privacy Policy is required at the start of employment and must be reaffirmed annually. Yak's Privacy Policy sets forth strict procedures for the protection of confidential customer information. As part of its Privacy Policy, Yak has a designated Privacy Officer who is responsible for ensuring compliance with the Company's Privacy Policy.

Failure to abide by the Privacy Policy protecting customer confidential information subjects the employee to disciplinary action, up to and including termination of employment. Yak's Privacy Policy is also posted on the Company's website.

### **Recordkeeping**

Yak maintains records of all its contacts with its customers in its customer record database. All customer service personnel are required to record in the Yak customer record database their contacts with the customer. These records are stored for at least one year.

Respectfully submitted,



Margaret Noble  
Corporate Secretary  
Yak Communications (America), Inc.

cc: Byron McCoy (FCC)  
Best Copy and Printing, Inc.

### Certificate

I, Margaret Noble, state that I Corporate Secretary of Yak Communications (America), Inc.; that I am authorized to submit the foregoing Certificate and Compliance Statement on behalf of Yak Communications, Inc.; and that it is true and correct to the best of my knowledge, information, and belief.

A handwritten signature in cursive script, appearing to read "Margaret Noble", written over a horizontal line.

Name: Margaret Noble

Title: Corporate Secretary

Yak Communications (America), Inc.